

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 12-20066-40-KHV

CARLOS GILCHRIST,

Defendant.

ORDER

By Order dated January 29, 2014, the court denied defendant's motion to withdraw his guilty plea (ECF doc. 1252). Defendant has now filed a pro se motion for reconsideration of that order (**ECF doc. 1263**). The court denies the motion for reconsideration.

Grounds warranting a motion for reconsideration "include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice."¹ Defendant has not met this standard for relief.

In his motion, defendant simply restates his arguments that there is a fair and just

¹ *United States v. Christy*, 739 F.3d 534, 539 (10th Cir. 2014) (quoting *Servants of Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000)).

reason for withdrawal under the seven factors set out in *United States v. Byrum*.² But defendant sets forth no new information or law that suggests the court erred in concluding that the balance of factors weighed against allowing withdrawal of the guilty plea. Defendant also states that he is seeking relief under Fed. R. Crim. P. 32(b) and (d), but that rule addresses sentencing and is not applicable here.

Because defendant has not shown that the court erred in denying his motion to withdraw, the motion for reconsideration is denied.

Dated February 7, 2014, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge

² 567 F.3d 1255, 1264 (10th Cir. 2009).